

significant size constraints. As a result, the fiber optic receiver recited in claim 1 may accommodate multiple data rates while conforming to existing ROSA size and pin count constraints.

Thus, contrary to the Examiner's assertion, the inventive contribution of the fiber optic receiver recited in independent claim 1 is not merely the separation of circuit functions, but rather the non-obvious arrangement of elements that achieves the specific, tangible advantages described in the preceding paragraph.

To summarize, the cited references do not support the Examiner's rejection of independent claim 1, and the Examiner's failure to accord patentable weight attributable to certain features of independent claim 1 is improper. For at least these reasons, the Examiner's rejection of independent claim 1 under 35 U.S.C. § 103(a) over Yonemura in view of Ohhata and Williams should be withdrawn.

B. Claim 13

Claim 13 incorporates the features of independent claim 1 and therefore is patentable over Yonemura, Ohhata and Williams for at least the same reasons explained above. Claim 13 also is patentable over these references for the following additional reasons.

Regarding claim 13, the Examiner has asserted that:

the modified invention of Yonemura, Ohhata and Williams does not disclose that the post-amplifier is outside of the ROSA. However, lacking any criticality it is not patentable to make parts separable or change the positions over the prior art.

As explained above in connection with claim 1, the MPEP (see, e.g., MPEP § 2144.04 IV.C) prohibits the Examiner from rejecting a claim in this way. In particular, the Examiner is prohibited from resting his obviousness rejection entirely on the assertion that "lacking any criticality it is not patentable to make parts separable or change the positions over the prior art."

The Examiner is obligated to find in the cited references a teaching or suggestion of all the claim limitations recited in claim 13. Yet the Examiner has completely failed to point to any teachings in the cited references that would have led one of ordinary skill in the art to the inventive fiber optic receiver recited in claim 13. In fact, the Examiner has acknowledged